

EXHIBIT 3B

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1 it.
 2 A Some are – we get this information from
 3 the manager, and some are called in, you know,
 4 beforehand saying I'm scheduling overtime between
 5 these hours and these hours for these particular
 6 people.
 7 And sometimes it was done – sometimes it
 8 would be done on an emergency basis, and we would find
 9 out about it either the same day or immediately after,
 10 and then we would enter it into schedule.
 11 Q So the schedule should reflect –
 12 A I don't – I don't really do that
 13 anymore. That's the other side but...
 14 Q When did you do that?
 15 A Before – before my first employment in
 16 WorkForce Management, and I do – that comes under the
 17 general heading of daily work, and I do less of that.
 18 Q Who does that now?
 19 A Tonya.
 20 Q Tonya?
 21 A McKay.
 22 Q I don't understand how that is included
 23 in the schedule.
 24 Why is that included in the schedule?
 25 A We put into the – we put into the

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1 schedule anything that happens during the day, whether
 2 they're in meetings, whether they're absent, whether
 3 they're in projects as opposed to being on the phones.
 4 Whatever they do, we put that on the
 5 schedule so that we can then report on it.
 6 Q Where is that reported?
 7 A Through our Totalview software we can run
 8 reports on number of hours that they've been in
 9 meetings, number of days they've been absent, that
 10 type of thing.
 11 Q Can you run it for the number of overtime
 12 hours worked?
 13 A Yes. You could run it for any – any
 14 exception, and that's what we call these items.
 15 They're called exceptions.
 16 Q That's E-X-C-E?
 17 A Yes, exceptions.
 18 Q Why is it an exception?
 19 A That's just a word for it.
 20 Anything that takes you away from the
 21 phones is called an exception.
 22 Q Okay.
 23 A Lunch is an exception. Breaks are an
 24 exception. Meetings are an exception.
 25 Q If a CSR shows up half an hour early for

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1 work, is that reflected in the schedule?
 2 A Before they're supposed to work?
 3 Q Yes.
 4 A No. Well, when you show up – when you
 5 say "show up," I mean, define show up.
 6 Q Okay. So when you show up to the 5th
 7 floor, do you have to badge in?
 8 A Yes.
 9 Q Okay. So you badge in, and then what do
 10 you do?
 11 A I just begin work. I don't – I don't
 12 need to log into the phones.
 13 Q Okay.
 14 A So I just turn on my computer and I start
 15 working.
 16 Q Okay. Your computer starts up
 17 instantaneously?
 18 A It starts up instantaneously. It takes a
 19 couple of minutes for the software to load.
 20 Q Okay. So when you come in, what's your
 21 start time?
 22 A I was asking for a definition of what you
 23 had said and, essentially, what I'm getting at is:
 24 Are they – they're sitting there or did they – you
 25 know, their attendance starts when they log into the

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1 phone.
 2 I think that's what you're talking about.
 3 Q Yeah. When is your start time?
 4 A 6:30 a.m.
 5 Q 6:30, okay.
 6 Do you show up before 6:30?
 7 A Often.
 8 Q Okay. And do you start your computer
 9 then?
 10 A Often I read the newspaper.
 11 Q So you just read the newspaper without
 12 starting the computer.
 13 A Right.
 14 Q And then when 6:30 comes, you start your
 15 computer.
 16 A Yeah.
 17 Q Do you do it ever before?
 18 A Sometimes, I'm sure. It's reasonable to
 19 assume that I've turned on the computer before exactly
 20 6:30. It's reasonable to assume that.
 21 I don't have any plan or recollection of
 22 doing anything on purpose, you know.
 23 Q But you're exempt, right?
 24 A I'm exempt, and I don't need to log into
 25 the phone.

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1 Q Okay. Do you need to log into the
2 computer?
3 A Yes.
4 Q What's the process when you come in?
5 A Actually, you say log into the computer,
6 it's just really turning it on and waiting for the
7 applications to come on.
8 Q You have no password?
9 A I have a password on my computer.
10 Q Okay. When you push the button on the
11 computer, at some point you have to enter a password,
12 right?
13 A Yes.
14 Q And then what happens, all the
15 applications just load for you?
16 A A couple come on automatically, and then
17 I choose the rest.
18 Q What does a CSR do?
19 A Well, I'm not -- I haven't been a CSR for
20 many, many years, so I really can't tell you the steps
21 that they go through.
22 Q When you were a CSR, what did you do?
23 A I -- at my start time, I plugged in the
24 phone, and I turned on the computer.
25 Q What was the phone system at that time?

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1 A I think it was the same phone system or
2 if it wasn't, it was certainly similar.
3 Q Was it the Avaya phone system?
4 A I want to say it was something else
5 earlier, but I don't believe that I saw an actual logo
6 on the phone, so I'm not sure.
7 Q So how does IBM keep track of an
8 employees' time worked?
9 A Through logging in and logging out on the
10 phone.
11 Q That's it? There's no other program?
12 A Well, that's only keeping track of their
13 attendance to show that they're there, and that's --
14 that doesn't show if they're working or not so...
15 Q So they may be working before that time
16 that they log on; is that right?
17 A No idea.
18 Q So you just don't know that.
19 A I have no idea if that would be the case
20 or not.
21 Q Okay.
22 (Thereupon, a recess was taken.)
23 MR. LANGELAND: Let's go back on the
24 record.
25 THE WITNESS: Okay.

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1 BY MR. LANGELAND:
2 Q Can you tell me what a CRM Delivery
3 Specialist is?
4 A I'm familiar with it as a title. I -- I
5 really don't know -- there is a plethora of titles
6 like that, and I'm not sure what they mean
7 individually.
8 Q You don't know what CRM stands for?
9 A I believe that's Customer Response
10 Management --
11 Q Okay.
12 A -- or words to that effect --
13 Q Okay.
14 A -- but I don't want to guess.
15 Q Is there any place where there is -- you
16 know, kind of all the acronyms that IBM uses are
17 written down?
18 A No.
19 MR. RAY: I would like to know it, too.
20 THE WITNESS: So would half the
21 employees.
22 BY MR. LANGELAND:
23 Q What is an IMBPD ToolSuite Team
24 Application?
25 A A team application would be a small

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1 database only used for storage for a particular team.
2 Q Okay. And what kind of team would it be?
3 A The same as -- as above, a WorkForce
4 Management group like mine or a software group, you
5 know, any kind of group.
6 Q Okay.
7 MR. LANGELAND: Let me mark this as
8 Exhibit 1.
9 (Thereupon, marked for identification,
10 Plaintiff's Exhibit Number P-1.)
11 BY MR. LANGELAND:
12 Q Turning your attention to Exhibit 1, have
13 you ever seen this document?
14 A Manager's Team Room. The question is:
15 Have I ever seen this document?
16 Q Yes.
17 A No, I haven't. No, I haven't.
18 Q Do you know what the Managers Team Room
19 is?
20 A I know what team rooms are in general
21 which is what we just described. It would be a -- it
22 would be a database in ToolSuite that any particular
23 group would want to store records in.
24 Q So this is something that is on the
25 network, if you will?

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1 A Yes.
 2 Q Okay. And ToolSuite is -- can you
 3 explain that?
 4 A ToolSuite is a database out of Lotus
 5 Notes.
 6 Q All right. This one says: Please be
 7 advised that no overtime is required at this time
 8 until further notification.
 9 A I -- yes.
 10 Q And it's by Juanlyn Williams who has sent
 11 the e-mail, I guess; is that right?
 12 MR. RAY: Objection as to foundation.
 13 I mean, he can certainly read what's on
 14 the e-mail, but he's said he's never seen it,
 15 so to the extent it calls for speculation, lack
 16 of foundation.
 17 MR. LANGELAND: Okay.
 18 BY MR. LANGELAND:
 19 Q You can answer.
 20 A It appears that Juanlyn Williams sent
 21 the -- sent the memo.
 22 Q All right. Do you have any understanding
 23 about overtime in call centers?
 24 A I'm aware of what overtime is, yes.
 25 Q And some CSRs work overtime?

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1 A Yes.
 2 Q What is the policy regarding working
 3 overtime for CSRs; do you know?
 4 A I only --
 5 MR. RAY: Objection, vague and to the
 6 extent -- lack of foundation. You can answer.
 7 THE WITNESS: I only put that item on
 8 schedules when managers request it.
 9 I don't know anything about the overtime
 10 itself or how it works.
 11 BY MR. LANGELAND:
 12 Q So it has to -- it goes on a schedule if
 13 a manager requests it.
 14 A Yes.
 15 Q All right. And, otherwise, it's not on
 16 the schedule.
 17 A That's right. It comes from the manager.
 18 Q Do you know if the manager has to approve
 19 overtime?
 20 A I don't know what the procedure is.
 21 Q Do you know if call center employees or
 22 CSRs work overtime if it's not on the schedule?
 23 A In -- in IMBPD, I'm not familiar with
 24 that happening, but I don't know how that works.
 25 Q What is MBPD?

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1 A Managed Business Process Delivery.
 2 Q Is that the same as IMBPD?
 3 A It lacks the word "Integrated" in front
 4 of it, but they're probably referring to something
 5 similar.
 6 Q And what is CRM?
 7 A Customer Response Management or words to
 8 that effect.
 9 Q Do you have any idea why it's used, why
 10 that term is used?
 11 A No.
 12 Q Where is it used?
 13 A Where is CRM used?
 14 Q Yes.
 15 A I don't use it myself for anything, so
 16 I'm not familiar with the best place to use it.
 17 Q What is a CMS agent group?
 18 A CMS is the database connected to the
 19 telephone switch from which we receive data, and the
 20 team -- the agent group is a collection of those
 21 people that work for a specific manager for which you
 22 would want to draw reports.
 23 Q So, in other words, if you want to look
 24 at a particular group of people at what their call
 25 volume is, this is how you would do it.

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1 A Sure, sure.
 2 Q Okay. You would look in the CMS
 3 database?
 4 A Yes. You would clear the database and --
 5 and yes.
 6 Q And it would provide you the data?
 7 A (Witness nodded head.)
 8 Q Would it provide you the log-on times for
 9 the phone?
 10 A That could be one of the queries.
 11 Q And the log-off times for the phone?
 12 A That would be part of the same report.
 13 Q Would it tell you when they logged on to
 14 the computer?
 15 A No.
 16 Q Just the phone?
 17 A Just the phone, yeah.
 18 Q What is a DOR Focal?
 19 A That's my designation. I am -- I am the
 20 DOR Focal. There is a focal in Canada, and there is a
 21 focal in America, and I'm the -- I'm the U.S. focal.
 22 Q And there's only one focal?
 23 A In America for the IMBPD Atlanta/Dallas
 24 area.
 25 Q Are there DOR focals elsewhere in

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1 America?
2 A If there are, I'm not aware of them and
3 have no contact with them.
4 Q By being the focal, doesn't it imply that
5 there are people below you in the chain?
6 A No.
7 Q It doesn't?
8 A No.
9 Q But you're the focal?
10 A Yes.
11 Q Who is the Canada WorkForce Management
12 DOR Focal?
13 A Patrick -- and I'll spell it. It's
14 Fleischmann, F-L-E-I-S-C-H-M-A-N-N.
15 Q How many call centers are there in
16 Canada?
17 A Toronto and Saint John.
18 Q Do you know how many CSRs there are?
19 A No, I'm sorry, I don't.
20 Q What's Americas BTO?
21 A Business Transformation Outsourcing and
22 it was at one time a label associated with our group
23 in Atlanta.
24 Q Why?
25 A It was -- it was what our organization

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1 was called, and now it's call IMBPD.
2 Q Okay. So this was the precursor to
3 IMBPD?
4 A I'm not sure of the lineage, but it's a
5 previously used name, yeah.
6 Q What is Integrated Operations CRM Contact
7 Centers?
8 A I believe pretty much the same thing.
9 Q It's another name for IMBPD call centers?
10 A Not directly, but I'm -- I am unfamiliar
11 with what specifically that -- that means.
12 Q Does it refer to some other kind of a
13 call center?
14 A I'm not really sure.
15 Q Is there any way to find that out?
16 A I would -- I would write a letter to my
17 manager who would write a letter to someone else who
18 might know.
19 I -- I don't know what the best place to
20 find out -- where that would be.
21 Q What is U.S. Resource Planning?
22 A That's the second name that my
23 organization had.
24 The first name was -- was Control Desk.
25 The second name was U.S. Planning -- U.S. Resource

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1 Planning, excuse me, and now we're called WorkForce
2 Management.
3 Q What is SCET?
4 A That stands for Software CET, and it's
5 one of the groups that we've been discussing.
6 Q CET is Customer Entitlement Team?
7 A Yes.
8 Q Okay.
9 A And that one is specifically for
10 software.
11 Q What is Sametime?
12 A Sametime is a -- an instant messenger
13 service provided by Lotus Notes.
14 Q Do you use Sametime?
15 A Yes.
16 Q Do CSRs use Sametime?
17 A Yes.
18 Q Is Sametime time-stamped?
19 A Yes.
20 Q What is e-TOTALs?
21 A I'm not familiar with it because I don't
22 use it.
23 Q Have you heard about it?
24 A I've heard -- I've heard the name, but
25 I've never been involved with it.

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1 Q What's your understanding of what it is?
2 A A way to keep track of hours, perhaps,
3 but, again, I really don't know.
4 Q Who needs to keep track of hours?
5 A Would you repeat the question or rephrase
6 it?
7 Q Who needs to keep track of hours?
8 A Who needs to keep track of hours?
9 Q Yes.
10 A Attendance hours are tracked
11 automatically by the telephone. So, in that sense,
12 it's an automatic thing, so you don't need to keep
13 track yourself, if that answers your question.
14 Q I'm just wondering why would you need a
15 separate program if you've got the phone?
16 A That is the phone. That is the phone
17 that I'm talking about.
18 Q Okay. But we were talking about
19 e-TOTALs.
20 A Oh, I'm sorry. I'm not familiar with
21 e-TOTALs.
22 Q I asked you what your understanding was,
23 and you said it was to track hours.
24 A Yeah, I assume. I'm not familiar with
25 it.

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1 Q Do you know if call center employees,
 2 CSRs use e-TOTALs?
 3 A I'm not sure.
 4 Q You've never heard that?
 5 A I've heard -- I've heard the words, but
 6 I've -- I'm not involved in it at all. I don't use it
 7 myself.
 8 It's nothing I would be involved in so
 9 I'm not familiar with it. That would be a manager
 10 thing.
 11 Q What is a GTS Sponsor Review?
 12 A GTS is a sponsor and a review would
 13 probably be a -- a discussion of how the group is
 14 doing, I -- I assume. Let me just say that, you know,
 15 I assume.
 16 Q All right. What's GTS?
 17 A TS, Technology -- Technological Services
 18 has gone through several different names of which I
 19 believe GTS is the current name, and I'm not sure what
 20 the "G" stands for, but they've been a sponsor of
 21 ours.
 22 Q So some CSRs work for -- in a group
 23 and --
 24 A Some CSRs work in -- in manager groups
 25 that are sponsored by TS -- by GTS.

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1 Q Okay. And which groups are those; do you
 2 know?
 3 A More than one. I know call handle is
 4 one. CET is one. I'm not sure which others.
 5 Q What is a PMR Process Error?
 6 A I don't know.
 7 Q What is RSS?
 8 A I don't know.
 9 Q What is Storage?
 10 A What is Storage?
 11 Q Yes.
 12 A Is that a capital "S"?
 13 Q Yes.
 14 A I -- I'm not familiar. I don't know.
 15 Q Okay. What is SYS X?
 16 A I don't know.
 17 Q SYS I?
 18 A SYS I?
 19 Q Yes.
 20 A How do you spell that?
 21 Q S-Y-S capital "I"?
 22 A I don't know what it means.
 23 Q SYS P?
 24 A (Witness shook head.)
 25 Q SYS E?

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1 A From the -- from the letters that
 2 you've -- that you're adding to the -- to behind the
 3 word SYS, it sounds like it would be certain software
 4 platforms.
 5 System I would be something like -- it
 6 there would be AS400 or AIX systems, that type of
 7 thing.
 8 I don't know -- I'm not familiar with
 9 that particular terminology but judging from those
 10 last -- the last letters that you're saying.
 11 Q What's WPLA?
 12 A I don't know.
 13 Q Tivoli?
 14 A Tivoli is a software product.
 15 Q What does it do?
 16 A I don't know.
 17 Q Rational?
 18 A Is a software product.
 19 Q IM?
 20 A For just those two letters together, I
 21 don't know.
 22 Q And what about AIM?
 23 A I don't know.
 24 Q What's the purpose of the call center?
 25 MR. RAY: Objection, vague and lack of

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1 foundation.
 2 THE WITNESS: Well, for a -- but I
 3 continue?
 4 MR. RAY: Sure. Unless I instruct you
 5 not to.
 6 THE WITNESS: Oh, okay. The purpose
 7 of -- at least the 5th floor of Atlanta, the
 8 IMBPD is to take customer calls on various
 9 different products.
 10 BY MR. LANGELAND:
 11 Q Okay. Is that the same in Dallas?
 12 A Yes. Dallas IMBPD, yeah.
 13 Q Are there any other kind of groups --
 14 call center groups in Dallas that you're aware of
 15 other than IMBPD?
 16 A Not that I'm aware of.
 17 Q But there might be?
 18 A Yeah. I don't know.
 19 Q Can you list the job duties that a call
 20 center employee does?
 21 A That's a -- that's a broad question.
 22 Can you be more specific?
 23 Q Well, you were a call center employee, a
 24 CSR at one point, right?
 25 A Yes.

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1 Q What would you say that they do?
 2 A Answer customer telephone calls and
 3 either resolve a question or -- or pass the
 4 information on to be acted on.
 5 Q Is that all of what they do?
 6 A No. I'm sure they have many -- I'm sure
 7 depending on the group that they have lots of
 8 different duties.
 9 Q What other types of duties?
 10 A Each group would have different duties,
 11 I'm sure.
 12 Q Is there anything common?
 13 A Answering the phones. Yeah, they're
 14 essentially -- they are, essentially, phone takers.
 15 Q Okay. Do you know if any call center
 16 employees were coming in before their designated start
 17 times?
 18 A When you say "coming in," you mean just
 19 being in the building?
 20 Q Yes.
 21 A And do I know about it?
 22 Q Yes.
 23 A I have -- I see people entering the
 24 building. I'm not aware if they're early or late or
 25 on time.

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1 Q So you don't know if they are there
 2 before their designated start times?
 3 A That's -- that's pretty general. Do you
 4 mean like 30 seconds before or 10 minutes before,
 5 just -- just before?
 6 Q Yes.
 7 A I'm not really -- I don't really watch,
 8 and I don't see their cubicles from where I work.
 9 Q So you don't know whether or not they
 10 come in beforehand?
 11 A I think it's reasonable to assume that
 12 some people come in before their start time.
 13 Q But you don't know that?
 14 A I don't know it for sure.
 15 Q All right. How does IBM track, you know,
 16 a CSR's time worked?
 17 MR. RAY: Objection, lack of foundation.
 18 You can answer.
 19 THE WITNESS: Okay. You really can't
 20 track how much they work.
 21 You can track when they're in attendance,
 22 you know, when they log in, when they log out.
 23 BY MR. LANGE LAND:
 24 Q What do you mean you can't track how much
 25 they work?

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1 A Unless you're actually looking over their
 2 shoulder, you don't know if they're -- if they're
 3 working or not or if they're reading the newspaper.
 4 Q So the only thing you really do know is
 5 when they log in and when they log out; is that right?
 6 A That's the only thing we know?
 7 Q I think that was your testimony.
 8 A For the beginning of the day and the end
 9 of the day, yes, yes.
 10 Q And then you don't know if they're
 11 working or not while they're there.
 12 A That's right. Yeah, that's right.
 13 We don't really know what they're doing
 14 unless we're watching over their shoulder.
 15 Q But then, again, you guys monitor them
 16 fairly closely; wouldn't you say?
 17 A They could be -- they could be
 18 unavailable awaiting a call, but they might not
 19 actually be on the phone. They might be reading the
 20 newspaper.
 21 I can't -- I can't say for sure that
 22 they're -- what they're doing.
 23 Q Again, the --
 24 A At the end of the day, we can count the
 25 number of calls they've taken; but at any particular

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1 time, we don't if they're working or not.
 2 Q Well, does anybody get fired for say
 3 taking, you know, 25 calls when everybody else is
 4 taking 200?
 5 A I wouldn't know. That wouldn't be my
 6 area. That would be a manager thing.
 7 Q You haven't had any training in the use
 8 of e-TOTALs, I think you testified; is that right?
 9 A No, I never have.
 10 Q When there's overtime entered on a
 11 schedule, do you know how an employee would go about
 12 getting paid for that?
 13 A No.
 14 Q You just see the overtime on the
 15 schedule?
 16 A It's an item on their schedule, the same
 17 as a lunch or a meeting.
 18 Q And that's given to you only by the
 19 manager, right?
 20 A That's right.
 21 Q The CSR does not provide you -- say, hey,
 22 I worked 25 minutes of overtime this month.
 23 A Well, you know, I haven't been -- I
 24 haven't been on that side of the house for some time.
 25 The avenue that it comes through should

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1 be through the -- through the manager or the manager's
 2 assistant.
 3 Q Now, you said there is a security badge
 4 swipe-in to get on your floor?
 5 A Yes.
 6 Q And what is it? You have an IBM badge?
 7 A Yes.
 8 Q How do you do it? You go next to the
 9 door --
 10 A Some are -- some swipe and some you just
 11 hold it up to it, and it works.
 12 Q So there's more than one?
 13 A There's more than one type.
 14 Q But there's more than one place where you
 15 would use that?
 16 A Most doors -- all -- all doors are
 17 covered.
 18 Q How many doors are there for the 5th
 19 floor?
 20 A From the 1500 building -- there's the
 21 1500 building and the 1600 building and -- with a
 22 bridge in-between.
 23 For the 1500 building, there is a swipe
 24 on the first floor and a swipe on the 5th floor to get
 25 in so there's two.

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1 Q Okay.
 2 A And on the 1600 building, there's a swipe
 3 on the 5th floor.
 4 Q And you are in the 1500 or 1600 building?
 5 A I'm actually on the bridge between both,
 6 so I can use either address.
 7 It's my own personal -- I believe that
 8 I'm designated as the 1500 side.
 9 Q Okay.
 10 A But I actually have a foot in both.
 11 Q Are there IBM CSRs in both the 1600
 12 building and the 1500 building?
 13 A Yes. It covers both. It's the 5th floor
 14 of both buildings which looks like all one floor
 15 because it's bridged.
 16 Q So when you're referring to CSRs on the
 17 5th floor, you're referring to both in the 1600 --
 18 A To either 1500 or 1600, yeah.
 19 Q And you said the total number of CSRs
 20 currently employed on the 5th floor which includes
 21 both 1500 and 1600 is how many?
 22 A 250.
 23 Q 250.
 24 MR. RAY: Did you say CSR employees?
 25 MR. LANGE LAND: Yes, CSR.

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1 MR. RAY: CSRs?
 2 MR. LANGE LAND: Call Center Reps. Isn't
 3 that what we've been using as --
 4 MR. RAY: I just didn't hear it. I
 5 didn't mean to --
 6 BY MR. LANGE LAND:
 7 Q Okay. To get to the 5th floor, every CSR
 8 that comes in needs to swipe their badge; is that
 9 correct?
 10 A Yes.
 11 Q Is there someplace where that data is
 12 stored, in other words, the time that somebody comes
 13 in and swipes their security badge?
 14 A I don't know.
 15 Q Who would know that?
 16 A Well, I don't know. Either -- either
 17 security or IT.
 18 Honestly, I don't know.
 19 Q Is that IBM security?
 20 A The building security.
 21 Q Who is that?
 22 Do you have any sense?
 23 A I don't have a name.
 24 Q Do you know what a comparison report is?
 25 A Yes.

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1 Q What is it?
 2 A It is a -- it is a comparison between the
 3 log-in time and the schedule of a person -- of a
 4 group.
 5 Q Who produces the comparison report?
 6 A Each group individually.
 7 Q So each of the groups that has a -- that
 8 has CSRs in them produces this document?
 9 A Yes.
 10 Q And they do it themselves?
 11 A There is one designated person, either
 12 the manager's assistant or someone else who is
 13 officially designated.
 14 Q And do you know how often they pull that
 15 report?
 16 A It's a daily report, and they can send
 17 that report either daily or once a week.
 18 Q And do you have any sense of how often
 19 they do it?
 20 A Every single -- yeah, every week.
 21 Q How long has the comparison report been
 22 around?
 23 A Oh, at least a year, I would say.
 24 Q And before that, it wasn't tracked?
 25 A It wasn't tracked.

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1 Q Why?

2 A We were receiving absence reports just

3 directly from the manager saying, you know, this

4 is -- this is who was late, this is who was absent.

5 Q So the manager would track it before that

6 time?

7 A Yes.

8 Q And they would send it to you in an

9 e-mail?

10 A Yes.

11 Q Was it ever sent in a Sametime message?

12 A Not -- not -- not as a matter of course

13 but we use -- we use E -- what was the question?

14 I'm sorry. What was the question?

15 Q Just wondering -- you're saying that a

16 manager would send you the absence reports of somebody

17 being late.

18 A Yeah. It would usually be an e-mail and

19 usually not Sametime. Although, we would -- although,

20 we use Sametime for quick communications, has John

21 called in?

22 Nothing for the records, just

23 communication.

24 Q And what would you do when you got an

25 absence report from a manager?

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1 A This is considered daily work, and I

2 don't do this myself.

3 But we would mark the -- my department

4 would mark the day's schedule for whatever that

5 exception is, whether it's a meeting or an absence or

6 a late, and we would put it right on their schedule so

7 that we could run reports out later.

8 Q What kind of reports?

9 A Any kind of report. We can ask a

10 report -- as I said earlier, we can ask a report of

11 any of the exceptions.

12 And exceptions are anything that take you

13 off the telephone, illness, late, meeting, projects,

14 building evacuations, any -- any kind of exception.

15 Q Can you do it, for example, if somebody

16 shows up early and logs in early?

17 A Logging in early is not an exception.

18 Q Could you guys track that as a report?

19 A If someone logs in before their start

20 time --

21 Q Yes.

22 A -- is the question?

23 Q Yes.

24 A Could we track that? Not specifically my

25 WorkForce department -- Workforce Management

1 department but -- but you could certainly run -- the

2 manager could certainly run a log-in/log-out report.

3 Q And that would contain the time that

4 somebody logged in?

5 A Logged in to the telephone, yeah.

6 Q And in terms of logging into the

7 computer, do you have any report that you can run on

8 that?

9 A No, no. I'm sorry.

10 Q Does anybody?

11 A No.

12 Q Nobody keeps that data?

13 A There's -- no. There's no way, no.

14 There's no way for us to do it.

15 Q So when somebody put their password in,

16 there's no record of that?

17 A If there's some, for example, IT record

18 of it, I'm unaware. I'm not familiar with it, but in

19 terms of our world, no.

20 Q Why did they start doing a comparison

21 report a year ago?

22 A Because in the past, we were basing our

23 absence information -- our absence reporting based on

24 good faith reporting from the managers, and we wanted

25 to be a little more exacting in our reporting.

1 Q Why?

2 A To make sure -- so that we were aware of

3 what the true figures are.

4 Q Why --

5 A So that we could confirm that we have the

6 correct absence figures.

7 Q And by absence figures, you also mean

8 when people start; is that right?

9 A By absence, I mean either absent or late.

10 Q How does IBM determine a budget for the

11 call center; do you know?

12 A I don't know.

13 MR. RAY: Objection, foundation.

14 BY MR. LANGELAND:

15 Q What about for a particular group?

16 Is there a budget, for example, for any

17 of the groups that you referred to?

18 A Budget is a term I'm not familiar with.

19 I'm not -- I'm not familiar with the

20 process for -- for creating how a sponsor pulls

21 together numbers to create a group, so I'm not

22 familiar with that process.

23 Q Does the sponsor have to pay for the call

24 center services?

25 A That's the general idea, yes.

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1 Q So a sponsor says, okay --
 2 A They're hiring us to take the calls.
 3 Q Right.
 4 A Yeah.
 5 Q Okay. And in exchange for the money they
 6 pay you, they want certain service levels.
 7 A Yes.
 8 Q And you guarantee them those service
 9 levels.
 10 A That would be in a document of
 11 understanding between -- between us and the sponsor.
 12 Q And if there's more overtime, the sponsor
 13 has to pay that overtime; is that right?
 14 MR. RAY: I'm just going to object to the
 15 line of questions for lack of foundation and to
 16 the extent it calls for speculation, but you
 17 can certainly answer.
 18 THE WITNESS: Right, right. I'm sorry.
 19 Please repeat.
 20 BY MR. LANGE LAND:
 21 Q How would overtime affect, you know, the
 22 relationship with the sponsor?
 23 MR. RAY: Objection, calls for
 24 speculation, lack of foundation.
 25 THE WITNESS: I don't know if it would

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1 have any effect.
 2 BY MR. LANGE LAND:
 3 Q Well, let's say this: You guarantee a
 4 certain service level, right?
 5 A (Witness nodded head.)
 6 MR. RAY: The same objections.
 7 BY MR. LANGE LAND:
 8 Q And let's say the staffing is too low,
 9 and in order to meet the service levels, you have to
 10 have them work overtime, your CSRs.
 11 Who pays for the overtime?
 12 MR. RAY: Objection, just to the extent
 13 it calls for speculation.
 14 You can answer.
 15 THE WITNESS: It would be logical to
 16 assume that the -- that the sponsor would.
 17 BY MR. LANGE LAND:
 18 Q Okay. So if there's more --
 19 A But I'm -- I don't -- at -- my level of
 20 operation is not in that area, so I'm not familiar
 21 with how it works.
 22 Q If there's more overtime worked by the
 23 CSRs, isn't that going to throw off the figures?
 24 MR. RAY: Objection to the extent it
 25 calls for speculation. It's vague.

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1 You can answer if you can.
 2 THE WITNESS: Well, I really -- I really
 3 don't know, though.
 4 BY MR. LANGE LAND:
 5 Q And yet you track --
 6 A There -- there are so many variables.
 7 Q Why do you track overtime?
 8 MR. RAY: Objection to the extent it's
 9 been asked and answered, but you can answer
 10 again.
 11 THE WITNESS: We -- we track all
 12 exceptions in order to report on exceptions of
 13 which that's one.
 14 BY MR. LANGE LAND:
 15 Q So you report on overtime just for the
 16 sake of reporting on overtime?
 17 MR. RAY: Objection to the extent it
 18 misstates his testimony.
 19 THE WITNESS: We report on overtime,
 20 period.
 21 BY MR. LANGE LAND:
 22 Q What's the purpose?
 23 A We report on over -- we -- we enter this
 24 information so that we can run reports on all -- on
 25 all items that happen throughout the day, whether it

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1 be overtime or meetings or -- or training time.
 2 It's -- it's another element to the day,
 3 and we're tracking all the elements of the day.
 4 Q Why would you care about overtime then if
 5 it didn't make any difference?
 6 A I don't understand the question.
 7 Q You track overtime for a purpose.
 8 Do you track it just because that's one
 9 of the variables you track?
 10 A Yes.
 11 Q Who is interested in it?
 12 MR. RAY: Objection -- well, strike the
 13 objection.
 14 THE WITNESS: I would assume
 15 management --
 16 BY MR. LANGE LAND:
 17 Q Why would they be interested?
 18 A -- but I don't remember ever actually
 19 doing a report solely on overtime.
 20 Q Why would management be interested in
 21 overtime?
 22 MR. RAY: Objection to the extent it
 23 calls for any speculation, lack of foundation.
 24 THE WITNESS: In order to track extra
 25 expenses or -- or unforecasted expenses.

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1 BY MR. LANGELAND:
 2 Q Who has to pay for the expenses?
 3 MR. RAY: The same objection to the
 4 extent it calls for speculation, lack of
 5 foundation.
 6 THE WITNESS: It's reasonable to assume
 7 the sponsor but, again, that's not my area.
 8 That's not my realm.
 9 BY MR. LANGELAND:
 10 Q So if a CSR is working unpaid overtime,
 11 that would be better for the sponsor, wouldn't it?
 12 MR. RAY: Objection to the extent it
 13 calls for speculation, lack of foundation.
 14 THE WITNESS: I'm not familiar with the
 15 time -- unpaid overtime.
 16 BY MR. LANGELAND:
 17 Q You're not familiar with what unpaid
 18 overtime means?
 19 A I'm not familiar with -- I've never seen
 20 that term before.
 21 Q What's unpaid overtime? What do you
 22 think it is?
 23 A It sounds like not getting paid for doing
 24 overtime.
 25 Q Right. How about "off-the-clock work"?

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1 Have you ever heard of that term?
 2 A I'm familiar with the term, not -- not
 3 through IBM.
 4 Q What do you think it means?
 5 A The same thing, working -- working
 6 off-the-clock hours, working outside regular hours.
 7 Q Do you get paid for it or not?
 8 A You're entering an area that I'm not
 9 familiar with.
 10 Q I'm just asking what your understanding
 11 of what that term is.
 12 A I -- I have no understanding of that.
 13 Q No understanding --
 14 A I have no understanding.
 15 Q -- what off-the-clock means.
 16 A I have no understanding about that and
 17 how it relates to IMBPD.
 18 Q I didn't ask that. I asked what is your
 19 understanding of it?
 20 A My personal understanding?
 21 Q Yes.
 22 A Well, I did answer. It's working outside
 23 regular hours.
 24 Q And do you get paid for that?
 25 In your understanding, off-the-clock

1 work, do you --
 2 A Would one -- I don't believe there is
 3 such a thing as off-the-clock work.
 4 Q That doesn't happen at all?
 5 A No.
 6 Q Nowhere in the world?
 7 A Not that I'm aware of.
 8 Q Nobody works off the clock ever?
 9 A Well, my world right now is strictly
 10 Atlanta IMBPD.
 11 I'm not familiar with that ever being
 12 around because you would use official overtime for
 13 working extended hours.
 14 Q Working more than your scheduled time.
 15 A Yeah.
 16 Q And you would get paid overtime for that?
 17 A Well, it's reasonable to assume that you
 18 get paid overtime for when you work overtime.
 19 Q And overtime is working more than your
 20 scheduled hours?
 21 A Well, they would be scheduled overtime
 22 hours.
 23 Q And what about unscheduled overtime
 24 hours?
 25 A I don't believe there is such a thing as

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1 unscheduled overtime hours.
 2 Q There's nothing?
 3 A No, because you're -- you're inferring
 4 then that people on their own could just work
 5 overtime, making their own decision, and that's a
 6 manager decision.
 7 Q Okay. So in order for it to be overtime,
 8 the manager has to decide that it's overtime.
 9 MR. RAY: Objection to the extent -- lack
 10 of foundation, calls for speculation.
 11 THE WITNESS: Yes.
 12 BY MR. LANGELAND:
 13 Q The manager has to approve the overtime?
 14 A Yes.
 15 Q So let's say a call center
 16 representative, a CSR is supposed to stop working at
 17 5:00 o'clock and takes a call at 4:58, and that call
 18 lasts until 5:15.
 19 Would that be overtime?
 20 A You know, that's not my area. I don't
 21 know how that works. I would -- I would check with
 22 the manager on that.
 23 Q But you just said that that doesn't
 24 happen in --
 25 A No. You were asking my opinion.

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1 I don't know how that works. That would
 2 be a manager thing.
 3 Q You've never heard of somebody having to
 4 stay over because they got a call at the end of the
 5 day?
 6 A That wasn't -- that wasn't the question.
 7 Q That's the question I'm asking.
 8 A I don't know how you would define that.
 9 I don't know how you would define staying
 10 a couple of minutes past your schedule if -- you know,
 11 if you have a call at the end of the day.
 12 That's something for the manager to deal
 13 with. I don't have to deal with that.
 14 Q But that occurs, right?
 15 A I don't know.
 16 Q You've never heard of that occurring?
 17 A I honestly don't know because I don't
 18 look at that.
 19 Q You have a -- don't you track anything
 20 about, you know, a dropped call?
 21 A Dropped calls?
 22 Q For example, let's say I'm a CSR, and I'm
 23 there at 4:58, and I get a call. And my end time is
 24 at 5:00 p.m., and I just hang up on the guy.
 25 What would happen?

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1 A I don't know that anything would happen
 2 except the actual hang up.
 3 Q Do you track something like that?
 4 A We track the handle time of the calls,
 5 but we can't tell if someone has hung up on somebody
 6 in the middle of a conversation.
 7 Q You can tell, though, if they -- when the
 8 call has ended; am I right?
 9 A We can query a report that gives you an
 10 average handle time, but not -- I'm not familiar with
 11 a report that would tell you a specific start and stop
 12 of an individual call.
 13 Q Can you --
 14 A There may be, but it's just not in my
 15 experience.
 16 Q All right. Can you tell if a CSR is on
 17 the phone after his scheduled stop time?
 18 A We can tell that someone has not logged
 19 out yet, so -- so we would be looking at that, but we
 20 would be looking at it independently from what the
 21 schedule is.
 22 We would just say, yes, this person is
 23 currently logged in to the phone.
 24 Q And can you run a report of times that
 25 people were on the phone after their scheduled stop

1 time?
 2 A There's no -- there's no report that you
 3 can run to do that.
 4 What you can do is like -- is have the
 5 manager look at their schedule, the stop time on the
 6 schedule, and then compare it to the log-out time from
 7 the log-in/log-out report.
 8 But it's not an automatic thing. It's
 9 something you have to do by hand.
 10 Q Do you know if call center employees,
 11 CSRs are paid for that time that they stay after their
 12 stop time?
 13 A It's -- it's not my area, so I really
 14 don't know.
 15 Q You've never --
 16 A And I really don't know.
 17 Q You've never heard of that being an
 18 issue --
 19 A No.
 20 Q -- anybody putting in for overtime for
 21 that?
 22 A They -- it wouldn't pass through me. I
 23 have nothing to do with that.
 24 Q What is an ILC?
 25 A It's a -- it's a way to keep track. It's

1 a way to report the hours that you work.
 2 Q Can you describe it for me?
 3 A Yes. It's a software application that
 4 you pull up and once a week enter how many hours
 5 you've worked for each day of the week as -- as either
 6 regular work or vacation or ill.
 7 Q How about overtime?
 8 A There is not a specific place to put
 9 overtime, but you would -- if you had an 8-hour day
 10 and you put in 12 hours, then obviously that would be
 11 overtime.
 12 Q And do CSRs use the ILC?
 13 A I know that I use ILC. I don't know who
 14 else uses it.
 15 Q What does ILC mean?
 16 A Well, the "I" is for Internet, and I
 17 don't remember what the LC stands for.
 18 Q Do you put start times and end times in
 19 the ILC?
 20 A No, just the number of hours.
 21 Q Why do you use ILC?
 22 A Only -- I only use it because I'm
 23 required to.
 24 Q Who required you to do that?
 25 A Management.

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1 Q Who's management?

2 A I don't know from how far up it comes.

3 My -- my direct manager is responsible if

4 I don't fill it out, but I don't know where it comes

5 from.

6 Q Is there some kind of report that's

7 generated on what the ILC -- or whether the ILC is

8 filled out?

9 A Yeah, I would assume so. I've never seen

10 it, something that would notify my manager that I

11 hadn't filled it out that day. But I've never seen

12 it, but I assume it exists.

13 Q If you wanted to see an ILC, where would

14 you go?

15 A It's an application that's on your

16 workstation.

17 Q So it's saved on each computer

18 individually?

19 A No. I believe it's saved centrally on a

20 network.

21 Q Where?

22 A Network.

23 Q Anywhere more specific than that?

24 A I can't be more specific. I just know

25 that it's not saved on my hard drive, so it's saved in

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1 the network someplace.

2 Q Why would a CSR need to put their time

3 into ILC if they are using the log-in and log-out on

4 the phone?

5 MR. RAY: Objection to the extent it

6 calls for speculation.

7 THE WITNESS: Yeah. I don't know what's

8 in the mind of upper management when they have

9 specific reports to fill out. I don't know

10 why.

11 BY MR. LANGELAND:

12 Q What's the ILC used for?

13 A To keep track of -- to report your hours.

14 Q Didn't you testify that e-TOTALs is used

15 to keep track of hours?

16 A I said that I -- that I assumed that that

17 was the case, but that I didn't really know.

18 Q Why would you need two programs to do

19 that?

20 MR. RAY: Objection to the extent --

21 THE WITNESS: I don't know.

22 MR. RAY: -- it calls for speculation.

23 Objection to the extent it assumes they

24 do the same things, so it assumes facts not in

25 evidence.

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1 MR. LANGELAND: I'm just asking him what

2 his understanding is of e-TOTALs.

3 MR. RAY: Well, he's already said he

4 doesn't really understand e-TOTALs so -- and he

5 does ILC because managers tell him to, but he

6 doesn't know why they want to do that.

7 So now we're going down the road on these

8 things he's already said he doesn't understand

9 like we have been for the last hour.

10 BY MR. LANGELAND:

11 Q Do you know if the data is saved from the

12 ILC anywhere?

13 A I'm sure it must be, but I don't -- I'm

14 not familiar with how it works.

15 Q And do you know how long it's saved for?

16 A No, I don't know.

17 Q What's an IBM Start Time Policy for call

18 center employees?

19 MR. RAY: Objection to the extent it

20 assumes facts not in evidence, lack of

21 foundation.

22 You can answer.

23 THE WITNESS: The question -- please

24 repeat the question.

25

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1 BY MR. LANGELAND:

2 Q What's the policy for start times for

3 CSRs?

4 MR. RAY: Objection to the extent --

5 THE WITNESS: I don't know.

6 MR. RAY: Objection to the extent it

7 assumes facts not in evidence and it's lack of

8 foundation -- or lacks foundation.

9 Go ahead.

10 THE WITNESS: Okay. I don't know because

11 I don't deal with that at all.

12 BY MR. LANGELAND:

13 Q Is there a policy regarding start times?

14 A It seems reasonable that there should be,

15 but I'm not aware of what it is.

16 Q Well, you've testified that you track

17 people that are late -- from CSRs that are late; is

18 that right?

19 A Yes.

20 Q And you've testified that you track call

21 center productivity; is that right?

22 A We don't use the word productivity, but

23 you say call center productivity. What I measure is

24 how busy agents are in any particular group in the

25 IMBPD.

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1 Q You testified that there's an adherence
2 report?
3 A Yes.
4 Q And that has to do with whether people
5 are there at their start times?
6 A Partially. It has to do with comparing
7 actual -- comparing the schedule to how they actually
8 act throughout the day. Did they go to lunch on time,
9 did they take their breaks on time, did they come back
10 from lunch on time, that type of thing. Did they --
11 how closely to the schedule did they follow it.
12 Q In your understanding, are CSRs allowed
13 to make their own schedule?
14 A No.
15 Q Are they allowed to deviate from their
16 designated schedule?
17 A There's enough leeway in the measurement
18 that they should be able to have some leeway in there
19 and still maintain their -- their goals.
20 Q What do you mean by that?
21 A We -- we have a goal of being 90 percent
22 in adherence, and I'm advised that that gives them
23 throughout the day practically a whole hour of
24 variances of being a little late for the break, of
25 being a little early for lunch, you know, that type of

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1 thing.
2 So we're only asking for 90 percent.
3 Q So if they show up 15 minutes late for
4 work, that's no problem?
5 A It would reduce their adherence
6 percentage by a certain percentage. I don't know what
7 15 minutes would be, but it would reduce the adherence
8 percentage for that individual.
9 Q Do you have any understanding if a CSR is
10 required to have its workstation powered up at the
11 time that they -- or before their start time?
12 A I'm sorry. That's not what I do or
13 that's not my area.
14 That's -- that would be a manager
15 preference or, you know, that would come from the
16 manager.
17 Q So you would have no knowledge of whether
18 they're supposed to have their workstations powered up
19 at their start time?
20 A I'm not familiar with what -- what a
21 manager's policy would be.
22 Q Okay.
23 A And it might change from manager to
24 manager. I don't know.
25 Q All right. And you would have no

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1 understanding of whether or not they needed to be
2 already logged on to their necessary applications
3 before their start times?
4 A I would have no -- no understanding of
5 that.
6 Q Okay. And you would have no
7 understanding on whether or not they need to be in an
8 available state on their phone before their start
9 times?
10 A All of that would be -- would be a
11 manager decision. It's not -- I don't tell the agents
12 what to do.
13 Q Would it affect the things that you track
14 if a CSR was late, for example?
15 A Would it -- would it affect it?
16 Q Yes.
17 A I guess I need to know what you mean by
18 "affect."
19 Q Well, you have different reports that you
20 look at, right, how busy these guys are during the
21 day?
22 A Right.
23 Q And if some of them show up late, would
24 it affect your report?
25 A No. It's not how busy they are during

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1 the day. It's how busy they are while they are --
2 while they are working the telephones.
3 So if someone comes in 15 minutes late,
4 that -- that does not affect the main measurement of
5 the daily operating -- the daily operating report
6 which is, you know, the occupancy rate or, again, how
7 busy they are because we're only measuring when
8 they're actually working the phones. So it really
9 wouldn't affect that.
10 It would affect the percentage of time
11 that they are on the phone throughout the day. I
12 mean, that would certainly be true.
13 Q And are they required to be on the phone
14 a certain percentage of the time?
15 A I don't believe so --
16 Q Okay.
17 A -- or I should say I'm not familiar with
18 any managers' criteria for that.
19 Q Have you ever seen a start time policy?
20 A I've never seen one.
21 Q You don't know if there's one in writing
22 or --
23 A I don't even know if there's one in
24 writing.
25 Q You've never heard of it?

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1 A I've never -- honestly, I haven't.
 2 Q You've never heard of whether or not, you
 3 know, the managers want them to be there early?
 4 A No.
 5 Q Okay.
 6 A And it's not my world.
 7 Q Do you know if IBM has ever been sued
 8 because it didn't provide the appropriate service
 9 levels in call centers?
 10 A No. I'm unaware.
 11 Q Sprint ever sued IBM for that?
 12 A I don't know.
 13 Q Have you ever had a situation or tracked
 14 something where Sprint was the sponsor?
 15 A No.
 16 Q Where is Sprint the sponsor? Do you have
 17 any idea for an IBM call center?
 18 A There is one, and I'm sorry to say I -- I
 19 forget which city it's in. It's in the southwest, I
 20 believe.
 21 Q Who is Jane Jessup?
 22 A Jane Jessup. I'm familiar with a similar
 23 name but not that -- that exact name.
 24 Q What's the name you're familiar with?
 25 A Jane Jesser, J-E-S-S-E-R.

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1 Q Who is she?
 2 A She's an IT person.
 3 Q Where does she work?
 4 A She works -- she has been a long time
 5 IBMer who is now -- who is now with AT&T working with
 6 us. Her job did not change, just her boss.
 7 Q She works for AT&T now?
 8 A Yeah. She's an AT&T employee, but she
 9 still has her same desk and, you know, she still works
 10 with IBM.
 11 Q Where does she work?
 12 A I don't know where her -- I don't know,
 13 specifically, where she's -- where her -- if she has a
 14 workstation anywhere in Atlanta.
 15 I know that she used to. I don't know
 16 her situation right now, but, you know, we work with
 17 her every day and send her e-mail and, you know, that
 18 type of thing.
 19 Q But you don't know where she's located?
 20 A I'm not sure where she's located right
 21 now.
 22 Q She's not in those two buildings in
 23 Riveredge?
 24 A She might be maintaining a workstation
 25 there, but I would assume that most of her work is

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1 done from home.
 2 Q What did she do when she worked for IBM?
 3 A IT.
 4 Q Is she involved in the DOR at all?
 5 A Not particularly, no.
 6 Q How come you dealt with her?
 7 A Just -- just in her role as being an IT
 8 person. She will work with -- just -- just as her
 9 role in IT.
 10 Q Who does she provide IT for?
 11 A IMBPD in Atlanta.
 12 Q So, in other words, she would check
 13 whether the computers were running properly or --
 14 A I don't know all the duties that she has
 15 but -- but she -- she -- for example, if something is
 16 wrong and you place a report -- not a report but if
 17 you report it to her, she will then assign someone
 18 to -- to help you fix the problem, either some
 19 desk-side person, you know, or someone else.
 20 If you're having trouble with an
 21 application or you're having trouble with your
 22 computer, you know, that's -- that's my -- that's my
 23 relation with her as part of IT.
 24 Q Is there a manual DOR?
 25 A There is only a manual DOR. There

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1 is -- there is no press a button and get a report DOR.
 2 It's strictly manual done on spreadsheets.
 3 Q And it's your colleague, Derrick, that
 4 does the DOR; is that correct?
 5 A Yes.
 6 Q And he's the only one?
 7 A He's the only one.
 8 Q Have you ever heard of anybody falsifying
 9 a DOR?
 10 A Well, no, that -- we do it, so we don't.
 11 We do the DOR. No one else does. And, no -- and no,
 12 I have never, and I don't believe that Derrick has
 13 ever falsified a DOR.
 14 Q Do you get any data from the managers to
 15 do a DOR?
 16 A Most of the information comes from the
 17 switch. We do get non-telephone work from the
 18 individual manager groups.
 19 It's called back office, and it might
 20 involve working on e-mails instead of a phone call,
 21 that type of thing.
 22 Q What does it mean when you say most of
 23 the data comes from the switch?
 24 A In the DOR, as I said previously, volume,
 25 average handle time which is -- which is what we get,

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1 which is what we're measuring from the phones.
 2 Q And that comes from where?
 3 A The CMS database which is connected to
 4 the switch.
 5 Q So it's tracked automatically by the
 6 program?
 7 A It's -- is it tracked automatically by
 8 the program?
 9 We have to put through a query to receive
 10 it so, obviously, they're storing the information from
 11 the switch so, yes -- yes. They're storing it -- the
 12 information from the switch.
 13 Q But then you do a query and you get the
 14 volume and the average handle time.
 15 A Yeah, for a particular date or for a
 16 particular group, yes.
 17 Q Is that all you get, volume and average
 18 handle time?
 19 A Well, we were talking about this before.
 20 Volume and average handle time are the
 21 two big ones, but you can get -- there's sometimes
 22 more information on that same report.
 23 For example, out -- it's both inbound and
 24 outbound volume and average handle time, and there's
 25 other items, too.

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1 There might be an average speed of answer
 2 or some other information that we don't use for our
 3 particular report.
 4 Q And then the back off -- I'm sorry. The
 5 manager would provide you with some data on back
 6 office?
 7 A Yes, uh-huh.
 8 Q And what is that data?
 9 A And that would be the same data that
 10 we're looking for for phone calls, volume and -- we
 11 usually already know the average handle time, so we're
 12 looking for back-office volumes.
 13 Q What does that mean?
 14 A Back office means non-phone activities
 15 that we're tracking. It could be working a -- working
 16 an e-mail or it could be working on a log.
 17 That's really -- those are really the two
 18 big ones, e-mails and logs.
 19 Q All right. So if you're doing that
 20 back-office work, it's safe to say that the service
 21 levels are going to go down; isn't that correct?
 22 A No. We include -- we include that work.
 23 We include those volumes as part of the
 24 total handle time to show how busy they are. So, yes,
 25 that is included.

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1 Q Okay. It's included, and what I'm
 2 wondering is, though, if you're doing more and more of
 3 this back-office work, you're spending less time on
 4 the phone; is that correct?
 5 A The point is that we're measuring all the
 6 work that's being done, so we're measuring phone work
 7 and back-office work.
 8 Q So, in other words, if you want to
 9 be -- show the sponsor that you're very productive,
 10 you can show the objective data from the CMS
 11 database --
 12 A Plus the -- plus the back office --
 13 Q Okay.
 14 A -- information.
 15 We -- we would add it together and
 16 have -- and have a complete this is the output for the
 17 day.
 18 Q Okay. And so if you wanted to say show
 19 that you had a better service level than you actually
 20 did, you might just inflate your back-office work
 21 number?
 22 A There's no service level relating to
 23 calculations in the DOR.
 24 There is a line in the DOR where we can
 25 put in what the service level had been for the day,

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1 but it has nothing to do -- remember, service level is
 2 an external measurement, and the occupancy rate of the
 3 DOR is strictly an internal measurement to show how
 4 well we got to that service level.
 5 And to answer your question, if you
 6 wanted to increase -- give a false report and increase
 7 your volume by sending me a false report, would that
 8 show them as being more occupied?
 9 It would because it would increase the
 10 amount of work that we show that they did during the
 11 same hours so, yes.
 12 Q Has anybody ever done that?
 13 A Not to my knowledge.
 14 Q How are managers paid?
 15 Are they paid to a certain extent based
 16 on how productive the call center or their --
 17 A I'm sorry.
 18 MR. RAY: I'll object.
 19 THE WITNESS: I don't know.
 20 BY MR. LANGE LAND:
 21 Q You take whatever they provide you -- in
 22 terms of the manager -- that back-office number. You
 23 just accept that --
 24 A It's good faith reporting, yes.
 25 Q Is there a regular conference call

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1 regarding the productivity of call centers?
 2 A Of call centers?
 3 Q Yes.
 4 A Nothing that I'm involved with.
 5 I mean, you're talking nationwide, it
 6 sounds like. I'm sure that there are professional
 7 groups out there that might get together, but I'm not
 8 familiar with them.
 9 Q I meant for IBM.
 10 A No.
 11 Q There's nothing. There's no call on
 12 Tuesday regarding --
 13 A Not that I --
 14 Q -- how productive -- a conference call?
 15 A Not that I'm involved in.
 16 There had been a Tuesday call or -- I
 17 think it was Tuesdays. There had been a weekly or
 18 monthly call that managers would attend -- excuse
 19 me -- that second-line managers would attend, but it's
 20 been a long time since we've done that, at least over
 21 a year.
 22 Q What was that call?
 23 A I had an informal name for it but the --
 24 there was an official name for it. I would simply
 25 call it the monthly report, but it did have an

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1 official name.
 2 Q And what's your understanding of what the
 3 monthly report was?
 4 A It showed service levels. It showed an
 5 average DOR figure. Those were the two big items,
 6 service levels and DORs.
 7 Q For what call centers?
 8 A Atlanta and Dallas for -- for the BM --
 9 for the IMCB -- MBP -- wherever I work.
 10 Q Who would do the monthly report for this
 11 meeting?
 12 A This is in the past. I would do the --
 13 the DOR summary, and one of my compatriots would do
 14 the other sections, the other section.
 15 Q Who was your compatriot?
 16 A Either Tonya McKay or Ileana Rangel,
 17 R-A-N-G-E-L, who is no longer with us.
 18 Q Who is on this phone call?
 19 A By the way, you asked where Ileana had
 20 moved to?
 21 Q Yes.
 22 A Sprint.
 23 Q Sprint. Thank you.
 24 A I believe I'm answering all of your
 25 questions. Maybe not in the right order, but I

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1 believe I'm answering all of them.
 2 Q Okay, great.
 3 THE WITNESS: Don't type that or put a
 4 little smiley. You know what I mean?
 5 (Thereupon, an off-the-record discussion
 6 was held.)
 7 BY MR. LANGE LAND:
 8 Q Who was on that call?
 9 MR. RAY: Objection to the extent it
 10 calls for speculation.
 11 THE WITNESS: Under normal circumstances,
 12 it would be the second-line managers and the
 13 third-line manager.
 14 BY MR. LANGE LAND:
 15 Q And the second-line managers were
 16 Sharon Lofton and Granger?
 17 A In Atlanta and Debbie Bigley and
 18 Rick Mainini in Dallas, and they're all reporting to
 19 Melody Curtis.
 20 Q Okay. And she was the third-line
 21 manager --
 22 A Yeah.
 23 Q -- on that call.
 24 A Is, yeah, or was, yeah.
 25 Q Did you e-mail that report out?

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1 A To those participants.
 2 Q And you did that once a week?
 3 A It started as once a week and then became
 4 less duration and then stopped.
 5 Q Were there any other documents that were
 6 produced for that call; do you know?
 7 A No.
 8 Q You don't know?
 9 A No, there were no other documents.
 10 Q Were there any documents that were
 11 generated as a result of the call?
 12 A Not that I'm aware of.
 13 Q There's no meeting notes?
 14 A I never saw any.
 15 Q Minutes?
 16 A Yeah, I never saw any.
 17 Q What was the purpose of the call?
 18 A I think it was just a status call to
 19 review service levels and have a weekly contact with
 20 the -- with the manager -- with the second-line
 21 managers.
 22 Q Do you still have these monthly reports?
 23 A No. They ended some time ago, at least a
 24 year ago.
 25 Q Do you still have the reports from a year

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1 ago?
 2 A I don't know.
 3 Q Did you save them somewhere?
 4 A Not anyplace special, not like -- not
 5 like we save a special, you know, adherence report or,
 6 you know, we -- I'm not aware of there being a place
 7 to put those reports except to leave them on people's
 8 computers.
 9 It was more of a weekly meeting type of a
 10 thing.
 11 Q Why did they end?
 12 MR. RAY: Objection to the extent it
 13 calls for speculation.
 14 THE WITNESS: I did not ask why they
 15 ended.
 16 BY MR. LANGE LAND:
 17 Q Do you know?
 18 A I don't know.
 19 (Thereupon, marked for identification,
 20 Plaintiff's Exhibit Number P-2.)
 21 BY MR. LANGE LAND:
 22 Q Could you take a look at Exhibit 2 for
 23 me?
 24 A Okay.
 25 Q Are you familiar with that document?

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1 A I'm familiar with both of -- with most of
 2 it, not -- not the beginning of it.
 3 Q And what is this document?
 4 A This is a notification to managers and
 5 their assistants that there is a change in the daily
 6 operating report, and then it gives advice on, you
 7 know, how to -- how to prepare a better report.
 8 Q Who are managers and seniors?
 9 A DOR managers and seniors are -- were the
 10 managers and seniors at the time for groups for which
 11 I did daily operating reports.
 12 Q And a senior, for example, Isabel Colon,
 13 she would be a senior?
 14 A She was a senior at the time, yes.
 15 Q A senior is synonymous with team lead?
 16 A No. I prefer to call them manager's
 17 assistants.
 18 Q Who is the manager's assistant?
 19 A Usually -- usually a senior.
 20 Q A senior.
 21 A Yeah.
 22 Q And what's the difference between a
 23 senior, a manager's assistant and a team lead?
 24 A There is no such thing -- there is no
 25 such term as a "manager's assistant." That's my term.

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1 There is often no difference between
 2 duties between a team lead and a senior.
 3 Q Do you know who Isabel Colon is?
 4 A Yes. I remember her.
 5 Q Who is she?
 6 A She was a senior of -- of one of the
 7 groups back then.
 8 Q What's the date of this e-mail?
 9 A I'm reading it as -- the original,
 10 Sharrie Brown sending it on April 2008.
 11 Q And the day that you sent it?
 12 A Is August 3rd, 2006.
 13 Q Do you know who else would have gotten
 14 this other than Isabel Colon, the names of people?
 15 A The -- the managers and their assistants,
 16 usually seniors --
 17 Q Who were the managers?
 18 A -- of anyone that I'm doing a DOR report
 19 for, and it's the same names as above (indicating).
 20 Q Okay.
 21 MR. RAY: As above?
 22 MR. LANGE LAND: We've already talked
 23 about, I guess.
 24 THE WITNESS: I pointed -- I pointed
 25 to -- when I said above.

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1 MR. RAY: She can't get that.
 2 THE WITNESS: Oh, right.
 3 MR. RAY: You've talked about --
 4 THE WITNESS: As the managers previously
 5 mentioned.
 6 BY MR. LANGE LAND:
 7 Q This would be Kerry Bethea?
 8 A That list, yeah.
 9 Q Well, I'll run through the list, and you
 10 tell me if these are the people that got it.
 11 A Okay.
 12 Q Kerry Bethea?
 13 A Yes.
 14 Q Juanlyn Williams?
 15 A Yes.
 16 Q Pete Starratt?
 17 A Yes.
 18 Q Karen Troutman?
 19 A Yes.
 20 Q Lisa Moody?
 21 A Yes.
 22 Q Viki Torres?
 23 A Yes.
 24 Q Anybody else?
 25 A Yes, Sarah Cerny.

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1 Q Anyone else?
 2 A Cerny is C-E-R-N-Y.
 3 I think that covers it all.
 4 Q Any other team leads or seniors?
 5 A I don't remember who they were at the
 6 time, but it would have been part of the distribution
 7 list.
 8 Q What is a team lead or a senior -- what
 9 would their function be?
 10 A Administration -- administrative
 11 functions off phone.
 12 Q Can you explain that?
 13 A Yeah. They're not -- they're not call
 14 takers. They're -- they're helping with, you know,
 15 reporting to the manager or doing training or any of
 16 those duties that the manager needs help with that
 17 does not include taking phone calls.
 18 Q Do they have -- let's say are they
 19 somebody that a CSR would have to listen to?
 20 A Yes, yeah. The senior would be the
 21 representative of the manager.
 22 Q Okay. So, in other words, if the team
 23 lead told a CSR to do something, they would have to do
 24 it?
 25 MR. RAY: Objection.

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1 THE WITNESS: With --
 2 MR. RAY: I'm not even sure how to object
 3 to that one.
 4 Objection, calls for speculation, lack of
 5 foundation.
 6 THE WITNESS: That's true. It would have
 7 to be with the -- with the knowledge that the
 8 person is speaking for the manager.
 9 BY MR. LANGELAND:
 10 Q So, in other words, an order from a team
 11 lead or the senior would be an order from the manager.
 12 MR. RAY: The same objections.
 13 THE WITNESS: It seems that that would be
 14 most likely, but it may have varied between
 15 manager groups.
 16 BY MR. LANGELAND:
 17 Q Is there any instance that you know of
 18 where the team lead was not -- didn't have authority
 19 over --
 20 A No.
 21 Q -- the CSR?
 22 A No. I can't think of any examples.
 23 Q So, generally speaking, the --
 24 A Generally speaking, it seems likely that
 25 they were representing their manager.

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1 Q So they were, in essence, management, and
 2 the CSRs would have to follow --
 3 A Yes.
 4 Q -- their direction.
 5 A Yeah. I would -- I would say that, yes.
 6 MR. RAY: Objection to the extent it's
 7 lack of foundation, but you can go ahead and
 8 answer.
 9 BY MR. LANGELAND:
 10 Q What does it mean when the e-mail says it
 11 will give two different measurements on the CSRs only?
 12 A The new addition that this is -- the new
 13 addition to the report that this note refers to is a
 14 second page that looks at the same group in a
 15 different view and, therefore, provides a second set
 16 of measurements.
 17 Q And this is the page that was
 18 discontinued?
 19 A Yeah.
 20 Q Okay.
 21 A Yeah. We didn't do this for long.
 22 Q Do you still have DORs with that second
 23 page?
 24 A No longer.
 25 Q No. Do you have the old ones?

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1 A I have the -- yeah. We've -- we have not
 2 thrown out any DOR reports.
 3 Q And what are the two Avaya CMS Agent
 4 Groups?
 5 A We pull information by -- from the
 6 database by agent group, and in order to have the
 7 second page, we added a second agent group.
 8 So now there's two agent groups for the
 9 same team.
 10 Q Okay. And later on you got rid of that
 11 second one, I take it, or you still have that
 12 second --
 13 A The groups are still out there, but we're
 14 not using them in the reports.
 15 Q Okay. What do you mean by "the whole
 16 team"?
 17 A What paragraph?
 18 Q I'm sorry. Right here (indicating).
 19 A I see -- I see it.
 20 The second --
 21 MR. RAY: Just for the record, are you
 22 talking about the whole team referenced in the
 23 second line of page 2?
 24 MR. LANGELAND: That's right.
 25 THE WITNESS: Okay. The whole team is

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1 what we were referring to as the second new
2 agent group, and it includes -- whereas, the
3 original first page of the DOR is only for CSRs
4 that are on the phone.

5 This second view includes the entire
6 group including non-phone personnel like
7 seniors.

8 In many cases, it was only the senior to
9 add to the group. So the first group was the
10 telephone takers -- the call takers, and the
11 second group was the call takers plus anyone
12 else, usually just a senior.

13 BY MR. LANGE LAND:

14 Q And why does it say any seniors, team
15 leads, admin, et cetera, that are listed in the plus
16 group should log in every day using AUX 8 admin?

17 A That's the AUX code. Everyone who logs
18 into the phone uses AUX codes to determine -- to
19 record what activity they're doing.

20 And these are non-phone people all of
21 whose activities are non-phone and, therefore, we want
22 them in that particular AUX code.

23 Q Why would you have them in that AUX code?

24 That's the one when you're doing
25 non-phone activities; is that right?

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1 A No. That's a separate -- admin is a
2 separate AUX code for doing administrative work that's
3 not related to customer contact.

4 Q Okay. That's AUX 8 you just referred to.

5 A That's AUX 8, yes, which is completely
6 separate from the back office that we were talking
7 about.

8 Q Can you read the paragraph that starts
9 with: CSR should continue to and then (1)?

10 A All right. Okay.

11 Q It says: CSR should continue to: (1)
12 Ensure reps log in only as required, i.e., scheduled
13 to work at 9:00, be ready at 8:50, but only log in at
14 9:00 a.m. to ensure we are not accumulating
15 unproductive hours under Default AUX or AUX 0 for
16 which we are not utilizing or occupying the reps in
17 question.

18 Is that right?

19 A Yes. That's how it reads.

20 Q Okay. Did you write that?

21 A No.

22 Q You copied that from a senior?

23 A No. I copied it from a -- recommended
24 terminology that I had received from Canada.

25 Q Why was that recommended?

1 A I was receiving work instructions and
2 reporting to a Canadian team lead for matters
3 regarding daily operating reports.

4 Q Explain that to me.

5 A I had an American manager, but I was
6 taking work instruction from a Canadian team lead with
7 regard to the DORs.

8 Q So that person was your senior?

9 A He was called a team lead, and -- and I
10 took -- he was bossing me, and I was taking direction
11 from him.

12 Q You had to follow his direction?

13 A Yes.

14 Q What was his name?

15 A First name Tom. Second name Guinard,
16 G-U-I-N-A-R-D.

17 Q This is the guy who originally created
18 the DOR?

19 A Yeah.

20 Q How many people did this new DOR apply
21 to?

22 A Anyone getting a DOR.

23 Q Okay. So was this just limited to the
24 IMBPD?

25 A Yeah.

1 Q What does that mean when it says: Ensure
2 reps log in only as required, i.e., scheduled to work
3 at 9:00, be here at 8:50?

4 A I don't know what the intention was, and
5 I didn't take a lot of time to look at that, so I
6 really wouldn't want to characterize what he meant by
7 those words. They're not my words.

8 Q Well, doesn't it mean somebody has to be
9 here 10 minutes before their start time?

10 A I might have interpreted that as being a
11 little more general saying, hey, be there with enough
12 time to start on time at 9:00 o'clock.

13 Q So be ready to start at your designated
14 start time?

15 A Be ready to -- be ready to log-in and
16 start at 9:00 o'clock, yes. If we're saying the same
17 thing, yes.

18 Q So you should be ready to take phone
19 calls at your start time.

20 A Well, you should be turning everything on
21 at your start time.

22 There's two things to do. You log-in --
23 you log into the computer and you turn on your
24 computer. You do those at the same time at your start
25 time.

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1 Q Then why does it say come 10 minutes
2 early?
3 MR. RAY: Objection to the extent it
4 mischaracterizes the e-mail.
5 THE WITNESS: I -- I interpret that as
6 meaning just be there early enough so that
7 you're on time for your start time.
8 BY MR. LANGELAND:
9 Q So you're ready to start working at your
10 start time.
11 MR. RAY: Objection to the extent it's
12 asked and answered.
13 THE WITNESS: Yes, if by starting work
14 you mean logging into the telephone and turning
15 on your computer.
16 BY MR. LANGELAND:
17 Q What does it mean when it says: But only
18 log in at 9:00 a.m. to ensure we are not accumulating
19 unproductive hours?
20 A The -- the count -- the amount of time
21 that you spend working the phones, actually being
22 available or being either on the phone or waiting for
23 the next call.
24 And -- and that would certainly -- and
25 that would certainly reduce the percentage of time,

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1 you know, that you're working the phones, if you've
2 logged in and you're, you know, off on some AUX code.
3 Q And you want to minimize that?
4 A It doesn't really affect the DOR report's
5 major reporting. It doesn't -- it doesn't affect the
6 occupancy rate which is the major reason for doing the
7 DOR, but it would decrease the percentage of time that
8 you're working the phones.
9 It's not a major measurement but, I mean,
10 that would still apply.
11 Q So why does it say that you don't want to
12 accumulate unproductive hours?
13 A Just in the sense that if you're not on
14 the phone, you're decreasing the percentage of time
15 that you're on the phone.
16 That's -- that's all I can think. It's
17 not my words, so I don't really know.
18 Q And the last sentence of that paragraph
19 says: Crisp log-in and log-outs will help eliminate
20 any unutilized time for which we can't earn any hours?
21 A I don't know what that means. I'm sorry.
22 Q So you forward this e-mail even though
23 you didn't understand what that meant?
24 A I did not spend a lot of time on that
25 particular paragraph.

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1 Q You just forwarded it?
2 A It was part of recommended -- it was
3 something that was recommended to put through. I
4 copied and pasted it.
5 Q What does this mean: Crisp log-in and
6 log-outs will help eliminate unauthorized time for
7 which we can't earn any hours?
8 MR. RAY: Objection to the extent he just
9 answered that.
10 THE WITNESS: Yeah. There is -- this is
11 not terminology that I would use, and so I'm
12 not sure -- I'm not sure what the author
13 intended.
14 BY MR. LANGELAND:
15 Q Well, how do you earn hours?
16 MR. RAY: The same objection.
17 THE WITNESS: The same -- yeah. I
18 believe he's talking about being -- of being on
19 the phones working the phones, either being on
20 a call or being available to take the next
21 call.
22 BY MR. LANGELAND:
23 Q Right. And that's what a call center
24 does, right?
25 A In general, yes.

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1 Q And that's how you get paid?
2 MR. RAY: Objection to the extent this
3 has all been asked and answered. It lacks
4 foundation, calls for speculation to the extent
5 you're talking about sponsors, contractors, et
6 cetera, but go ahead.
7 THE WITNESS: And I don't know how to
8 answer that question, anyway, so -- that's such
9 a general question.
10 BY MR. LANGELAND:
11 Q All right. How does a call center get
12 paid?
13 MR. RAY: The same objections. It's not
14 his role, lack of foundation, calls for
15 speculation.
16 THE WITNESS: That's true. I don't --
17 MR. RAY: You can answer to the extent
18 that you know.
19 BY MR. LANGELAND:
20 Q It doesn't matter if it's your role or
21 not. I'm asking your understanding.
22 A I have not thought too much about it
23 because it's not my area of --
24 Q You have no idea how a call center gets
25 paid?

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1 What's your answer?
 2 A Oh, I have a general understanding that
 3 the sponsor pays for the work done in any particular
 4 group that they're sponsoring.
 5 Q So why don't just everybody go into AUX
 6 for the whole time all day? Then you don't have to
 7 answer the phone calls.
 8 MR. RAY: Objection. I don't even know
 9 how to object to those questions.
 10 Objection, calls for speculation.
 11 You can answer.
 12 THE WITNESS: Why don't people sit in AUX
 13 all day long?
 14 BY MR. LANGELAND:
 15 Q Yes.
 16 A I don't know.
 17 Q Wouldn't they get fired?
 18 MR. RAY: The same objections.
 19 THE WITNESS: It's not -- not my area.
 20 You would -- I would refer you to the manager
 21 for that.
 22 BY MR. LANGELAND:
 23 Q What does it mean when it says: Schedule
 24 adherence will impact service level achievement?
 25 A In general, the closer the schedules are

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1 followed, the better the measurement should be because
 2 the schedules are created to approximate incoming
 3 volumes of calls.
 4 Q Okay. What do you mean by better the
 5 measurement will be?
 6 A Better the service level would be.
 7 Q So you want the CSR to adhere to their
 8 schedule; is that right?
 9 A Yes.
 10 Q Because the measurements come out better?
 11 A Yes.
 12 Q And if they're in AUX or unavailable to
 13 take calls, that would mean that the measurement would
 14 be worse; isn't that right?
 15 A Which measurement? We were talking about
 16 a couple different measurements.
 17 Service levels may or may not be
 18 affected. It depends on if the rest of the group are
 19 answering calls within the service level.
 20 Q So if all of the CSRs came in 10 minutes
 21 late, how would that affect the measurements?
 22 MR. RAY: Which measurements?
 23 BY MR. LANGELAND:
 24 Q Any of them that you use.
 25 A Any measurements. Well, there might be a

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1 temporary dip in service level, but it might be fine
 2 for the day.
 3 Q Okay. Any others?
 4 A Any other measurements?
 5 Q That would be negatively affected?
 6 A No. Occupancy rate would not be either
 7 positively or negatively affected.
 8 The only measurement that would be
 9 affected would be the actual percentage of time the
 10 people are on the phones.
 11 Q And what does a sponsor think of that?
 12 MR. RAY: Objection, calls for
 13 speculation.
 14 BY MR. LANGELAND:
 15 Q When a sponsor -- does a sponsor want the
 16 CSRs to be on the phones for a particular amount of
 17 time?
 18 MR. RAY: The same objection to the
 19 extent it calls for speculation.
 20 THE WITNESS: Yeah. I would infer that
 21 they're operating at a higher level and just
 22 want to make sure that the service level is
 23 met.
 24 BY MR. LANGELAND:
 25 Q So they don't care, the percentage

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1 that --
 2 A I'm not -- I don't think they are
 3 thinking in terms of how good was this person's
 4 keeping to the schedule.
 5 I think they're only looking at service
 6 levels.
 7 Q Do they get that information, the
 8 percentage of time that the CSRs are on the phone?
 9 MR. RAY: Let me -- give me a second to
 10 object. I'll try do this (indicating) --
 11 THE WITNESS: Okay.
 12 MR. RAY: -- because I don't mean to
 13 interrupt.
 14 Objection to the extent it calls for
 15 speculation. If you know what was provided,
 16 please answer.
 17 THE WITNESS: I lost track of what the
 18 question was.
 19 BY MR. LANGELAND:
 20 Q Does the sponsor get the percentage of
 21 time the CSRs are on the phone?
 22 A I've never attended that kind of meeting
 23 or provided any kind of reports for that, so I don't
 24 know what information they share with the sponsor.
 25 Q You never provide a report to the

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1 sponsor?
 2 A No, never.
 3 Q Your reports always go to management?
 4 A Yes.
 5 Q And then management provides them to the
 6 sponsor; is that right?
 7 A From there --
 8 Q You don't know?
 9 A From there, I just give it to the
 10 managers.
 11 (Thereupon, a recess was taken.)
 12 MR. LANGE LAND: Back on the record.
 13 BY MR. LANGE LAND:
 14 Q We were talking about Exhibit 2 before we
 15 broke, and that was an e-mail that you sent regarding
 16 the new DOR?
 17 A Yes.
 18 Q Right?
 19 A Yes.
 20 Q And your testimony was that you did not
 21 understand what the person who sent this e-mail to you
 22 meant, what the language in the e-mail meant; is that
 23 correct?
 24 MR. RAY: Objection to the extent it
 25 mischaracterizes his testimony.

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1 THE WITNESS: What I said was that I
 2 hadn't spent a lot of time analyzing it.
 3 BY MR. LANGE LAND:
 4 Q And so when you look at this e-mail here,
 5 when it says: Ensure reps log in only as required,
 6 i.e., scheduled to be work at 9:00, be ready at 8:50
 7 but only log in at 9:00 a.m. to ensure we are not
 8 accumulating unproductive hours, what does that mean
 9 to you?
 10 MR. RAY: Objection to the extent it's
 11 been asked and answered.
 12 THE WITNESS: As I said before, they're
 13 not my words, and I don't know what his
 14 intention was.
 15 BY MR. LANGE LAND:
 16 Q Did you ever ask him?
 17 A No.
 18 Q But you sent this out, and it said: CSR
 19 should continue to do this; is that right?
 20 A It's just -- it's a cut and paste from a
 21 different note.
 22 Q Right. But that's what it says, right?
 23 A Yes.
 24 MR. RAY: Object.
 25

1 BY MR. LANGE LAND:
 2 Q Did you understand that when you sent it
 3 out?
 4 A I was only copying and pasting it. I
 5 honestly did not spend much time looking at this,
 6 and that's --
 7 Q You just sent it out.
 8 A -- and that's the truth.
 9 Q Did he direct you to do that?
 10 A Yes.
 11 Q And you just followed his direction?
 12 A Yes.
 13 Q And this is meant to be a policy, isn't
 14 it?
 15 MR. RAY: Objection, calls for
 16 speculation, foundation.
 17 BY MR. LANGE LAND:
 18 Q Go ahead.
 19 A Not that I'm aware of. I don't deal with
 20 policy like that.
 21 Q Well, it says: CSR should continue to
 22 ensure reps log in only as required, i.e., scheduled
 23 to work at 9:00, be ready at 8:50, right?
 24 A It's --
 25 MR. RAY: Objection to the extent it's

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1 asked and answered, and I'm not even sure what
 2 the question was.
 3 THE WITNESS: That's administered by the
 4 managers, not from me. I have nothing to do
 5 with that end of things.
 6 I don't tell the reps what to do, when to
 7 start. I don't tell them anything. That comes
 8 from the manager.
 9 BY MR. LANGE LAND:
 10 Q Okay. But it says they should continue
 11 to do that, right?
 12 A It says that in the note.
 13 Q So that implies that they were doing
 14 that?
 15 A Not necessarily, not to my -- not to my
 16 knowledge or understanding.
 17 Q And you didn't ask Tom Guinard what he
 18 meant by that?
 19 A No.
 20 Q Does Tom still work for IBM?
 21 A Not in this capacity. I believe he works
 22 in a different city now.
 23 Q Where does he work now?
 24 A I'm sorry. I'm not sure. I don't know.
 25 Q Who was Tom's boss at the time he wrote